

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

FC 2005-091640

02/24/2006

HON. MICHAEL O. WILKINSON

CLERK OF THE COURT
D. McGraw
Deputy

IN RE THE MARRIAGE OF
STEPHEN MICHAEL BARTON

FILED: 02/28/2006

STEPHEN MICHAEL BARTON
974 E MOUNTAIN VIEW
QUEEN CREEK AZ 85242

AND

HEATHER BARTON

JOHN G BEDNARZ

UNDER ADVISEMENT RULING

Based upon the testimony presented, the Court makes the following findings and orders:

I. DISSOLUTION OF MARRIAGE.

THE COURT FINDS that at least one of the parties has been domiciled in the State of Arizona for more than 90 days immediately preceding the filing of the Petition; that the conciliation provisions of A.R.S. § 25-381.09, and the domestic relations education provisions of A.R.S. § 25-352 either do not apply or have been met; that the marriage is irretrievably broken and there is no reasonable prospect for reconciliation.

To the extent it has jurisdiction to do so, the Court has considered and made provisions for maintenance and disposition of property, and, where applicable, support, custody and visitation.

IT IS ORDERED that the marriage heretofore existing between the parties is dissolved, and each party is returned to the status of a single person effective upon the signing and entry of this Decree.

II. CUSTODY AND PARENTING TIME.

THE COURT FINDS that the minor child who is the subject of this action lived in Arizona with a parent, or a person acting as a parent, for at least six consecutive months or more prior to the

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commencement of this action, such that Arizona is the home state of the child vested with jurisdiction to make a child custody determination pursuant to A.R.S. § 25-1031(A)(1).

THE COURT FINDS that it is in the best interests of the parties' minor child to award custody of the minor child to Father, Stephen Michael Barton.

IT IS ORDERED awarding Father sole custody of the parties' minor child, Hannah, born on December 10, 2004.

IT IS FURTHER ORDERED that Mother shall have reasonable parenting time rights with the minor child in accordance with the Maricopa County Guidelines. It is anticipated by the Court that the parties will have equal parenting time. The current parenting time order shall remain in full force and effect until such time as Father graduates from the Mesa Fire Department Academy. This is anticipated to be approximately May 10th. Father will then have three days on and four days off, the parties are to adjust the schedule at that time to reflect the Father's work schedule and a parenting time schedule for Mother which is as close to equal Father's time as possible, three and one half days each is what is anticipated by the Court. If the parties are unable to agree they must seek intervention of the Court to mediate the dispute. The parties shall also alternate all major holidays. The child should be with Mother on Mother's Day and with Father on Father's Day.

III. CHILD SUPPORT ORDER.

THE COURT FINDS that the relevant financial factors required to be included, and the discretionary allowances and adjustments which the Court will allow, for a current calculation of child support pursuant to the Arizona Child Support Guidelines are set forth in the Child Support Worksheet (if the parties wish to obtain a copy of the Worksheet before it reaches the court file, they may contact the Division Clerk at 602-506-8806) and the Child Support Order signed concurrently with this Decree which the Court hereby incorporates and adopts as its findings with respect to child support. This order shall be effective on May 1, 2006, until that time the interim order shall remain in full force and effect, with Father paying \$359.73. In May the order shall be reduced to \$104.08. This reflects Father's new income with the Mesa Fire Department as a starting firefighter.

IT IS ORDERED that Father shall be entitled to utilize the federal tax exemption in three out of every four years. This means that Father shall have the exemption in 2006, 2007 and 2008, with Mother having the exemption in 2009. This assumes that Father is current in all child support payments.

IT IS FURTHER ORDERED that Father shall provide medical insurance for the benefit of the parties' minor child, and shall provide an insurance card and claim filing information to the other parent. All medical, dental and orthodontia expenses incurred for the health and protection of the child not covered by insurance shall be paid 72% by Father and 28% by Mother.

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IV. SPOUSAL MAINTENANCE.

THE COURT FINDS that neither party seeks an order of spousal maintenance or meets the criteria set forth in A.R.S. § 25-319(A) for an award of spousal maintenance. Accordingly,

IT IS ORDERED that spousal maintenance is not awarded to either party.

V. PROPERTY DIVISION.

THE COURT FINDS that the residence at 974 E. Mountain View Rd., Queen Creek, Arizona 85242 is the sole and separate property of Father. Mother has executed a Disclaimer Deed to that effect.

IT IS ORDERED confirming the marital residence as Father's sole and separate property.

IT IS FURTHER ORDERED awarding to Father the vehicle known as "the weekend warrior" or "toy hauler." Wife is awarded her Nissan automobile. Father is awarded his 2000 Ford F250 truck. Each of the parties is entitled to the sum of \$22,000.00 from the refinancing of the home. The Court finds that Mother's taking of \$7,800.00 and then \$10,500.00 was her equal share of the community assets.

IT IS FURTHER ORDERED awarding to each party as their sole and separate property, subject to any liens and encumbrances thereon, all vehicles, household furniture, furnishings and appliances, and other personal property currently in their possession.

VI. COMMUNITY DEBTS.

IT IS FURTHER ORDERED that each party shall pay and hold the other harmless from any debts which they have contracted since the filing of the Petition for Dissolution of Marriage. There are no additional community debts and those have been paid off in the most recent refinancing of the house.

VII. RESTORATION OF NAME.

Upon request of Wife,

IT IS ORDERED restoring Wife to her former name of Heather Lines.

VIII. ATTORNEY'S FEES.

The Court has considered the financial resources of both parties in accordance with A.R.S. § 25-324 and the parties' positions taken throughout the litigation.

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IT IS ORDERED that each party shall pay their own attorney's fees.

IX. DOCUMENTATION.

IT IS FURTHER ORDERED that counsel for Respondent shall prepare a Decree for the Court's signature consistent with these findings and orders within two weeks of the filing date of this minute entry.

FILED: Child Support Order, Child Support Worksheet, and Exhibit Worksheet.

All parties representing themselves must keep the Court updated with address changes. A form may be downloaded at: <http://www.superiorcourt.maricopa.gov/ssc/sschome.html>.